

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.12165 OF 2007

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DATED: 14-06-2007

Between :

Shalavadi Daveed ... Petitioner

And

1. The Joint Collector & Addl. District
Magistrate, Khammam, Khammam
District., and 2 others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.12165 OF 2007

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ORDER :
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This writ petition is filed questioning the order passed by the 2nd respondent – Revenue Divisional Officer, dated 23-3-2007, whereunder the authorization of the petitioner was suspended pending enquiry.

As could be seen from the impugned order, the Tahsildar, Nelakondapally visited the fair price shop on 27-2-2007 and having noticed certain irregularities seized the stocks available and initiated confiscation proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short, 'the E.C. Act, 1955'). He also submitted a report to the 2nd respondent on the basis of which the impugned order was passed suspending the authorization pending departmental enquiry.

The learned Counsel for the petitioner vehemently contended that the action of the respondents in initiating the proceedings simultaneously under Section 6-A of the E.C.Act, 1955 and also under the A.P. State Public Distribution Control Order, 2001 (for short, 'the Control Order, 2001') as arbitrary and illegal.

I do not find any substance in the said contention since the law is well-settled that the proceedings under Section 6-A of the E.C.Act, 1955 for confiscation of the stocks seized are distinct and different from the disciplinary proceedings for cancellation or suspension of the licence held by the dealer. Hence, the action of the 2nd respondent who is the appointing authority under the Control Order,

2001 in initiating independent enquiry on the basis of the report of the Tahsildar cannot be held to be impermissible.

Pending such enquiry it is open to the appointing authority to suspend the authorization in the public interest. Hence, the interference by this Court is unwarranted.

However, having regard to the facts and circumstances of the case, the Writ Petition is disposed of with a direction to the 2nd respondent to complete the enquiry initiated against the petitioner as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. No costs.

G. ROHINI, J.

Dt. 14-06-2007

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Note:- CC in 2 days.

